

Add Section 745.5 and Amend Section 746
Title 14, California Code of Regulations
Re: Revocation of Sport Hunting and Fishing License Privileges

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- (d) Identification of Reports or Documents Supporting Regulation Change:

AB 1420 (Laird), Chapter 291, Statutes of 2003

- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

No reasonable alternatives exist. The Fish and Game Code dictates that the Commission shall adopt regulations and procedures governing the revocation or suspension of hunting or sport fishing privileges.

- (b) No Change Alternative:

The Commission has rejected this alternative because Fish and Game Code Section requires the Commission to adopt regulations addressing this issue. The Commission would be out of compliance with the law.

- (c) Consideration of Alternatives:

N/A.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

There is expected to be a slight increase in the number of people who lose their license privileges as a result of this regulatory action which may result in decreased revenue for businesses that sell outdoor equipment, supplies, and related services. However, any such impact is expected to be negligible.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None

- (h) Effect on Housing Costs: None

Informative Digest/Policy Statement Overview

AB 1420, Chapter 291, Statutes of 2003 requires the Fish and Game Commission to adopt regulations and procedures governing the revocation or suspension of hunting or sport fishing privileges. This regulation will allow the commission to consider the suspension or revocation of sport hunting and fishing licenses in a similar manner to commercial fishing licenses.

In 1998, the Legislature granted the commission the authority to revoke or suspend commercial fishing privileges after notice and opportunity for a hearing (section 7857, Fish and Game Code). Prior to this, there were a variety of conditions under which commercial fishing licenses and permits could be suspended or revoked, much like the current situation with sport hunting and fishing licenses.

Under current law the department and the commission have the authority to revoke or suspend trapping or recreational hunting and fishing license privileges only if the person is convicted of three violations in a five-year period regardless of the nature of the violation. There is no authority to revoke or suspend the privilege granted by these licenses in circumstances involving the commission of only a single offense even if it is especially damaging. Single violations that are particularly damaging include those involving large overlimits, big game mammals, fully protected birds, mammals, or fish, specially protected mammals, and species listed as threatened or endangered.

Other instances in which a single conviction is damaging is when a person is allowed to plead to a single violation even though multiple violations may have been committed and charged. The types of violations frequently involved in such cases can be particularly damaging because they include conspiracy to: take fish or wildlife out-of-season, take animals for only a specific portion of the animal (large antlers, gall bladders, claws, talons, etc.), take during closed hours, take by cruel methods, take for commercial purposes, etc.